

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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NGOZI OGUEJIOFO,

Plaintiff,

CIVIL ACTION No.: 20-cv

vs.

NOTICE OF REMOVAL

ROBERT LOHMAN, USA TRUCK, INC., USA
LOGISTICS, INC., JOHN DOE CORP. A through
JOHN DOE CORP. Z, JOHN DOE A through JOHN
DOE Z,

Defendants.
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TO: Bruce S. Gates, Esq.
91 Greenwood Drive
Millburn, NJ 07041

PLEASE TAKE NOTICE, that on this date, defendants ROBERT LOHMAN and USA TRUCK, INC. (improperly pled as USA TRUCK, INC. and USA LOGISTICS, INC.) by their undersigned counsel, have filed this Notice of Removal pursuant to 28 U.S.C. §1446(a), in the office of the Clerk of the United States District Court for the District of New Jersey.

1. Plaintiff NGOZI OGUEJIOFO brought a lawsuit against defendants ROBERT LOHMAN and USA TRUCK, INC. (improperly pled as USA TRUCK, INC. and USA LOGISTICS, INC.) (and fictitious named defendants) by filing a Complaint and Jury Demand in the Superior Court of the State of New Jersey, Law Division, Hudson County on or about July 17, 2020 as a result of an alleged accident which occurred on or about July 18, 2018. A copy of the Complaint is annexed hereto as Ex A.

2. Upon information and belief, the Summons and Complaint were not received by ROBERT LOHMAN and USA TRUCK, INC. (improperly pled as USA TRUCK, INC. and USA LOGISTICS, INC.) to date.

3. There have been no other proceedings in this action.

4. According to the plaintiff's complaint (Ex. A), the plaintiff purports to be a citizen and resident of the State of New Jersey, residing in the Bayonne, and County of Hudson

5. Defendant USA TRUCK, Inc. is a corporation incorporated in the State of Arkansas.

6. Defendant ROBERT LOHMAN is a resident of the State of Texas, residing in the City of Houston.

7. In the First Count, 5th paragraph of the plaintiff's Complaint, it is alleged that plaintiff NGOZI OGUEJIOFO was seriously and permanently injured; has suffered and will in the future continue to suffer great pain and mental anguish; has and will in the future be compelled to obtain medical attention and incur medical expenses and has been and will in the future be forced to forego her usual activities; and has been and will be disabled as to activities in the future. Ex. A.

8. On July 22, 2020, the defendants served a request for a written Statement of Damages claimed on the plaintiff's counsel. Ex. B.

9. On September 23, 2020, the plaintiff responded to the demand for Statement of Damages indicating damages in the amount of \$75,000 "without prejudice and for informational value only." Ex. C.

10. Based upon the language set forth in the plaintiff's Complaint, the matter in controversy exceeds \$75,000, exclusive of interest and costs. *Please see* Ex. A.

11. Further, the plaintiff's response to the defendants' request for a written Statement of Damages claimed alleges damages of precisely \$75,000, however, is done "*without prejudice and for informational value only*," which is not a Statement of Damages but is an apparent method by which to attempt to preclude the defendants from removing this lawsuit to the United States District Court, District of New Jersey.

12. Jurisdiction over the subject matter of this action is conferred on this Court by 28 U.S.C. §1441(a).

13. Jurisdiction in this Court is proper pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441 in that the parties are of complete diversity of citizenship, the amount in controversy exceeds \$75,000 exclusive of interest and costs.

14. As the defendants have not been served with or otherwise received the suit papers, this Notice is filed with this Court within 30 days of defendants' receipt "through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based," as provided by 28 USC §1446(b).

PLEASE TAKE FURTHER NOTICE, that the defendants, upon filing the Notice of Removal in the office of the Clerk of the United States District Court for the District of New Jersey, have also filed copies of the Notice with the Clerk of the Superior Court of New Jersey, Law Division, Hudson County Courthouse, 595 Newark Ave, Jersey City, NJ 07306, to effect removal of this action to the United States District Court pursuant to 28 U.S.C. §1446(b).

Dated: October 23, 2020

LAW OFFICES OF LORNE M. REITER, LLC
Attorneys for defendants
ROBERT LOHMAN and USA TRUCK, INC.
124 First Avenue
Atlantic Highlands, New Jersey 07716

Lorne M. Reiter

BY:

LORNE M. REITER

Ex. A

BRUCE S. GATES-Attorney ID#043781984
91 Greenwood Drive
Millburn, NJ 07041
201-388-7779
Attorney for Plaintiff

Ngozi Oguejiofo

Plaintiff,

vs.

Robert Lohman,
USA Truck, Inc.,
USA Logistics, Inc.,
John Doe Corp. A through
John Doe Corp. Z,
John Doe A through John Doe Z

Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUDSON COUNTY

DOCKET NO. HUD-L-

CIVIL ACTION

COMPLAINT, JURY DEMAND, AND
REQUEST FOR ANSWERS TO FORM C
AND C (1) INTERROGATORIES

Plaintiff Ngozi Oguejiofo, residing at 4 Elna Court, Bayonne, State of New Jersey, in the County of Hudson, at the time of this accident, by way of Complaint against the aforesaid Defendants, says:

FIRST COUNT

1. On or about July 18, 2018, Plaintiff Ngozi Oguejiofo was a driver of a certain motor vehicle proceeding in the vicinity of Avenue E, Bayonne, State of New Jersey.
2. At said time and place the Defendant Robert Lohman was the operator of a certain commercial motor vehicle then and there being operated in a careless, reckless, and negligent manner.

3. As a result of the carelessness, recklessness and negligence of Defendant Robert Lohman, a collision occurred between the commercial motor vehicle operated by the Defendant Robert Lohman, and that vehicle operated by the Plaintiff Ngozi Oguejiofo.

4. At the aforesaid time and place the Defendant Robert Lohman was operating the aforesaid commercial motor vehicle within the scope of his employment as the agent, servant and/or employee of Defendant USA Truck, Inc. and/or Defendant USA Logistics, Inc., and/or was involved in a joint venture with Defendant USA Truck, Inc., and/or Defendant USA Logistics, Inc.

5. As a direct and proximate result of the conduct of the Defendants as aforesaid, in the ownership, operation, maintenance and control of their respective commercial motor vehicle, the Plaintiff Ngozi Oguejiofo was seriously and permanently injured. Plaintiff has suffered and will in the future continue to suffer great pain and mental anguish. She has and will in the future be compelled to obtain medical attention and incur medical expenses and has been and will in the future be forced to forego her usual activities. She has been and will be disabled as to activities in the future.

WHEREFORE, Plaintiff demands judgment of the Defendants, jointly, severally, or otherwise for damages together with interest and costs of suit.

SECOND COUNT

1. The allegations of the previous Count is incorporated herein as if set forth in full, and applied against the Defendants, John Doe Corp. A through John Doe Corp. Z, and John Doe A through John Doe Z.

2. Defendants John Doe Corp. A through John Doe Corp. Z, and John Doe A through John Doe Z designate individuals or entities not identified, who may be designated as liable in the future, on the basis of negligent maintenance, negligent entrustment, involved in a joint venture, successor in interest or other reasons.

WHEREFORE, Plaintiff demands judgment of the Defendants, jointly, severally, or otherwise for damages together with interest and costs of suit.


**REQUEST FOR ANSWERS TO FORM C AND C (1) INTERROGATORIES
OF THE RULES GOVERNING THE STATE OF NEW JERSEY**

The Plaintiff hereby requests answers on behalf of the Defendants to Form C and C (1) Interrogatories in the Appendix of the Rules Governing the Court of the State of New Jersey, to be answered within the time provided by the Rules of Court.

DEMAND FOR JURY

Plaintiff demands a jury of six (6) persons as to all issues.

Dated: 7/17/2020



BRUCE S. GATES

CERTIFICATION

I certify that the matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding, and no other action or arbitration proceeding is contemplated. There is no non-party who should be joined in the action pursuant to Rule 4:28 or who is subject to joinder pursuant to Rule 4:29-1(b) because of potential liability to any party based on the same transactional facts.

Dated: 7/17/2020



BRUCE S. GATES

Ex. B

**BRUCE S. GATES-043781984
91 GREENWOOD DRIVE
MILLBURN, NJ 07041
210-388-7779
Attorney for Plaintiffs**

NGOZI OGUEJIOFO

Plaintiffs,

v.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: HUDSON COUNTY

DOCKET NO. HUD-L-002603-20

CIVIL ACTION

Robert Lohman,

USA Truck, Inc.

USA Logistics, Inc. et al

Statement of Damages

Without prejudice and for informational value only, the Statement of Damages in this matter is:

\$75,000.00 (Seventy-five thousand dollars)

Dated: 9/23/2020

/s/BruceS.Gates

Bruce S. Gates

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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NGOZI OGUEJIOFO,

Plaintiff,

CIVIL ACTION No.: 20-cv

vs.

ROBERT LOHMAN, USA TRUCK, INC., USA
LOGISTICS, INC., JOHN DOE CORP. A through
JOHN DOE CORP. Z, JOHN DOE A through JOHN
DOE Z,

CERTIFICATION OF SERVICE

Defendants.

-----X

LORNE M. REITER, ESQ. certifies as follows:

1. I am an attorney duly admitted to practice before this Honorable Court, and I hereby affirm the truth of the following statements under the penalty of perjury.

2. I am a member with the law firm of LAW OFFICES OF LORNE M. REITER, LLC, attorneys for the defendants ROBERT LOHMAN and USA TRUCK, INC. (improperly pled as USA TRUCK, INC. and USA LOGISTICS, INC.) and, as such, I am fully familiar with the facts set forth herein.

3. On this date, I served a copy of the within Notice of Removal upon the plaintiff in this action by mailing same via First Class Mail from 124 First Avenue, Atlantic Highlands, New Jersey 07716 addressed to the plaintiff's attorney, Bruce S. Gates, Esq., 91 Greenwood Drive, Millburn, NJ 07041 and via e-mail through e-filing on the New Jersey State Court website.

4. Further, on this date, I caused a copy of the Notice of Removal to be filed with the Clerk of the Superior Court of New Jersey, Law Division, Hudson County, 595 Newark Ave, Jersey City, NJ 07306.

5. Pursuant to 28 U.S.C. §1746, I affirm under penalty of perjury that the foregoing is true and correct.

Dated: October 23, 2020

LAW OFFICES OF LORNE M. REITER, LLC
Attorneys for defendants
ROBERT LOHMAN and USA TRUCK, INC.
124 First Avenue
Atlantic Highlands, New Jersey 07716

Lorne M. Reiter

BY:

LORNE M. REITER